

Amendment No.

CHAMBER ACTION

Senate

House

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Representative Diamond offered the following:

Amendment (with title amendment)

Between lines 263 and 264, insert:

Section 6. Section 327.332, Florida Statutes, is created to read:

327.332 Special hazards requiring slow speed.-

(1) A vessel operator must reduce to slow speed, minimum wake upon approaching within 300 feet of any emergency vessel, including, but not limited to, a law enforcement vessel, United States Coast Guard vessel or auxiliary vessel, fire vessel, or tow vessel, with its emergency lights activated.

(2) A vessel operator must reduce to slow speed, minimum

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14 wake upon approaching within 300 feet of any construction vessel
15 or barge when workers are present and actively engaged in
16 operations and an orange flag or yellow flashing light is
17 displayed from the tallest portion of the vessel or barge.

18 (3) A vessel operator found in violation of this section
19 is guilty of a noncriminal infraction as provided in s. 327.73.

20 Section 7. Paragraph (e) of subsection (2) and subsection
21 (3) of section 327.4107, Florida Statutes, are amended to read:

22 327.4107 Vessels at risk of becoming derelict on waters of
23 this state.—

24 (2) An officer of the commission or of a law enforcement
25 agency specified in s. 327.70 may determine that a vessel is at
26 risk of becoming derelict if any of the following conditions
27 exist:

28 (e) The vessel does not have an effective means of
29 propulsion for safe navigation within 72 hours after the vessel
30 owner or operator receives telephonic or written notice, which
31 may be provided by facsimile, electronic mail, or other
32 electronic means, stating such from an officer, and the vessel
33 owner or operator is unable to provide a receipt, proof of
34 purchase, or other documentation of having ordered necessary
35 parts for vessel repair. The commission may adopt rules to
36 implement this paragraph.

37 (3)(a) A person who anchors or moors a vessel at risk of
38 becoming derelict on the waters of this state or allows such a

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39 vessel to occupy such waters commits a noncriminal infraction,
40 punishable as provided in s. 327.73.

41 (b) If a vessel is not relocated by the vessel owner or
42 operator within 60 days after a third offense under s.
43 327.73(1)(aa), the vessel may be removed and relocated to a safe
44 storage area and impounded by a local government law enforcement
45 agency. The local government law enforcement agency is
46 responsible for costs relating to the removal and relocation of
47 the vessel to a safe storage area and for the disposal of the
48 vessel if the vessel is not claimed by the vessel owner or
49 operator within 60 days after such removal and relocation.

50 Section 8. Paragraphs (aa) and (bb) of subsection (1) of
51 section 327.73, Florida Statutes, are amended, and paragraph
52 (cc) is added to that subsection, to read:

53 327.73 Noncriminal infractions.—

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

56 (aa) Section 327.4107, relating to vessels at risk of
57 becoming derelict on waters of this state, for which the civil
58 penalty is:

59 1. For a first offense, \$50.

60 2. For a second offense occurring 30 days or more after a
61 first offense, \$250 ~~\$100~~.

62 3. For a third or subsequent offense in the same county
63 occurring 30 days or more after a previous offense, and within 6

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64 months after a first offense, \$500 ~~\$250~~.

65 (bb) Section 327.4109, relating to vessels anchoring or
66 mooring in a prohibited area, for which the penalty is:

67 1. For a first offense, up to a maximum of \$50.

68 2. For a second offense, up to a maximum of \$250 ~~\$100~~.

69 3. For a third or subsequent offense, up to a maximum of
70 \$500 ~~\$250~~.

71 (cc) Section 327.332, relating to vessels failing to
72 reduce speed for special hazards, for which the penalty is:

73 1. For a first offense, \$50.

74 2. For a second offense occurring within 12 months after a
75 previous offense, \$250.

76 3. For a third offense occurring within 36 months after a
77 previous offense, \$500.

78 4. For a fourth or subsequent offense occurring within 72
79 months after a previous offense, \$1,000.

80

81 Any person cited for a violation of any provision of this
82 subsection shall be deemed to be charged with a noncriminal
83 infraction, shall be cited for such an infraction, and shall be
84 cited to appear before the county court. The civil penalty for
85 any such infraction is \$50, except as otherwise provided in this
86 section. Any person who fails to appear or otherwise properly
87 respond to a uniform boating citation shall, in addition to the
88 charge relating to the violation of the boating laws of this

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89 | state, be charged with the offense of failing to respond to such
 90 | citation and, upon conviction, be guilty of a misdemeanor of the
 91 | second degree, punishable as provided in s. 775.082 or s.
 92 | 775.083. A written warning to this effect shall be provided at
 93 | the time such uniform boating citation is issued.

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T I T L E A M E N D M E N T

Remove line 29 and insert:

98 | vessels until certain conditions are met; creating s.
 99 | 327.332, F.S.; requiring vessel operators to reduce
 100 | speed in specified hazardous situations; providing
 101 | penalties; amending s. 327.4107, F.S.; revising
 102 | criteria for determining that a vessel is at risk of
 103 | becoming derelict; providing for the removal and
 104 | relocation of such vessels; providing that local
 105 | government law enforcement agencies are responsible
 106 | for costs relating to removal, relocation, and
 107 | disposal of such vessels; amending s. 327.73, F.S.;
 108 | revising civil penalties relating to certain at-risk
 109 | vessels and prohibited anchoring or mooring; providing
 110 | civil penalties relating to vessels that fail to
 111 | reduce speed for special hazards; providing an

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