

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: Agriculture & Natural
 2 Resources Subcommittee

3 Representative Diamond offered the following:

4

5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

7 Section 1. Section 327.332, Florida Statutes, is created
 8 to read:

9 327.332 Special hazards requiring slow speed.-

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

15 (2) A vessel operator must reduce to slow speed, minimum
 16 wake upon approaching within 300 feet of any construction vessel

Amendment No.

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

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

22 Section 2. Paragraph (e) of subsection (2) of section
23 327.4107, Florida Statutes, is amended to read:

24 327.4107 Vessels at risk of becoming derelict on waters of
25 this state.—

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

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

39 Section 3. Paragraphs (aa) and (bb) of subsection (1) of
40 section 327.73, Florida Statutes, are amended, and paragraph
41 (cc) is added to that subsection, to read:

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Amendment No.

42 327.73 Noncriminal infractions.—

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

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

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

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

51 3. For a third or subsequent offense occurring 30 days or
52 more after a previous offense, \$500 ~~\$250~~.

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

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

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

57 3. For a third or subsequent offense, up to a maximum of
58 \$500 ~~\$250~~.

59 (cc) Section 327.332, relating to vessels failing to slow
60 for special hazards, for which the penalty is:

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

62 2. For a second offense occurring within 12 months after a
63 prior conviction, \$250

64 3. For a third offense occurring within 36 months after a
65 prior conviction, \$500.

Amendment No.

66 4. For a fourth or subsequent offense occurring within 72
67 months after a prior conviction, \$1,000.

68
69 Any person cited for a violation of any provision of this
70 subsection shall be deemed to be charged with a noncriminal
71 infraction, shall be cited for such an infraction, and shall be
72 cited to appear before the county court. The civil penalty for
73 any such infraction is \$50, except as otherwise provided in this
74 section. Any person who fails to appear or otherwise properly
75 respond to a uniform boating citation shall, in addition to the
76 charge relating to the violation of the boating laws of this
77 state, be charged with the offense of failing to respond to such
78 citation and, upon conviction, be guilty of a misdemeanor of the
79 second degree, punishable as provided in s. 775.082 or s.
80 775.083. A written warning to this effect shall be provided at
81 the time such uniform boating citation is issued.

82 Section 4. This act shall take effect July 1, 2019.

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84 -----
85 **T I T L E A M E N D M E N T**

86 Remove lines 10-16 and insert:
87 amending s. 327.73. F.S., revising civil penalties
88 relating to vessels at risk of becoming derelict and
89 prohibited anchoring and mooring; providing civil
90 penalties relating to vessels that fail to reduce

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 1319 (2019)

Amendment No.

91 speed for special hazards; providing an effective
92 date.