

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; requiring that such vessels be moved after
 8 certain notice is delivered to the owner or operator
 9 of the vessel or posted conspicuously on the vessel;
 10 amending s. 328.21, F.S.; providing penalties for
 11 failure to present a certificate of title showing
 12 proper transfer of vessel ownership; amending s.
 13 327.73, F.S.; revising civil penalties relating to
 14 certain at-risk vessels and prohibited anchoring or
 15 mooring; providing civil penalties for vessels which
 16 create special hazards; providing an effective date.

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

19
 20 Section 1. Section 327.332, Florida Statutes, is created
 21 to read:

22 327.332 Special hazards.—
 23 (1) A vessel operator shall reduce speed to slow speed,
 24 minimum wake upon seeing a vessel or person in a hazardous or
 25 vulnerable position, where the wake from the operator's vessel

26 is likely to cause property damage or injury to the vulnerable
27 person or vessel. A vessel is not in a hazardous or vulnerable
28 position under this subsection if it is docked and unattended.

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

34 (3) A vessel operator shall reduce to slow speed, minimum
35 wake upon approaching within 300 feet of any construction vessel
36 or barge actively engaged in operations and displaying an orange
37 flag or yellow flashing light from the tallest portion of the
38 vessel or barge.

39 (4) A vessel operator found in violation of this section
40 is guilty of a noncriminal infraction as provided in s. 327.73.

41 Section 2. Subsections (3), (4), and (5) of section
42 327.4107, Florida Statutes, are renumbered as subsections (4),
43 (5), and (6), respectively, paragraph (e) of subsection (2) of
44 that section is amended, and a new subsection (3) is added to
45 that section to read:

46 327.4107 Vessels at risk of becoming derelict on waters of
47 this state.—

48 (2) An officer of the commission or of a law enforcement
49 agency specified in s. 327.70 may determine that a vessel is at
50 risk of becoming derelict if any of the following conditions

51 exist:

52 (e) The vessel does not have or is unable to demonstrate
53 an effective means of propulsion for safe navigation within 72
54 hours after the vessel owner or operator receives telephonic or
55 written notice, which may be provided by facsimile, electronic
56 mail, or other electronic means, stating such from an officer,
57 does not have a declared destination upon inquiry by a law
58 enforcement officer, and the vessel owner or operator is unable
59 to provide a receipt, proof of purchase, or other documentation
60 of having ordered necessary parts for vessel repair. The
61 commission may adopt rules to implement this paragraph.

62 (3) A vessel at risk of becoming derelict must be moved to
63 a location with a minimum distance of 3 miles from the previous
64 location on or before 90 days after the date of notice pursuant
65 to paragraph (2)(e) is delivered to the owner of the vessel or
66 posted conspicuously on the vessel.

67 Section 3. Subsection (4) of section 328.21, Florida
68 Statutes, is renumbered as subsection (5), subsection (3) of
69 that section is amended, and a new subsection (4) is added to
70 that section, to read:

71 328.21 Transfer without delivery of certificate; operation
72 or use without certificate; failure to surrender; other
73 violations.—A person who:

74 (3) Fails to surrender the certificate of title to the
75 department as provided in this chapter when the vessel has been

76 | destroyed, dismantled, or changed so that it is not the vessel
 77 | described in the certificate of title; ~~or~~

78 | (4) Fails to present the certificate of title to the
 79 | department with the new owner information to ensure proper
 80 | transfer of ownership of the vessel; or

81 |
 82 | is guilty of a misdemeanor of the second degree, punishable as
 83 | provided in s. 775.082 or s. 775.083, for each offense.

84 | Section 4. Paragraphs (aa) and (bb) of subsection (1) of
 85 | section 327.73, Florida Statutes, are amended, and paragraph
 86 | (cc) is added to that subsection, to read:

87 | 327.73 Noncriminal infractions.—

88 | (1) Violations of the following provisions of the vessel
 89 | laws of this state are noncriminal infractions:

90 | (aa) Section 327.4107, relating to vessels at risk of
 91 | becoming derelict on waters of this state, for which the civil
 92 | penalty is:

93 | 1. For a first offense, \$100 ~~\$50~~.

94 | 2. For a second offense occurring 30 days or more after a
 95 | first offense, \$250 ~~\$100~~.

96 | 3. For a third or subsequent offense occurring 30 days or
 97 | more after a previous offense, \$500 ~~\$250~~. A person cited more
 98 | than 3 times within a 12-month period may have their vessel
 99 | impounded by law enforcement.

100 | (bb) Section 327.4109, relating to anchoring or mooring in

101 a prohibited area, for which the penalty is:

- 102 1. For a first offense, up to a maximum of \$100 ~~\$50~~.
- 103 2. For a second offense, up to a maximum of \$250 ~~\$100~~.
- 104 3. For a third or subsequent offense, up to a maximum of
- 105 \$500 ~~\$250~~. A person cited more than 3 times within a 12-month
- 106 period may have their vessel impounded by law enforcement.

107 (cc) Section 327.332, relating to vessels creating special
 108 hazards, for which the penalty is:

- 109 1. For a first offense, \$50.
- 110 2. For a second offense occurring within 12 months after a
- 111 prior conviction, \$250.
- 112 3. For a third offense occurring within 36 months after a
- 113 prior conviction, \$500.
- 114 4. For a fourth or subsequent offense occurring within 72
- 115 months after a prior conviction, \$1,000.

116

117 Any person cited for a violation of any provision of this
 118 subsection shall be deemed to be charged with a noncriminal
 119 infraction, shall be cited for such an infraction, and shall be
 120 cited to appear before the county court. The civil penalty for
 121 any such infraction is \$50, except as otherwise provided in this
 122 section. Any person who fails to appear or otherwise properly
 123 respond to a uniform boating citation shall, in addition to the
 124 charge relating to the violation of the boating laws of this
 125 state, be charged with the offense of failing to respond to such

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126 | citation and, upon conviction, be guilty of a misdemeanor of the
127 | second degree, punishable as provided in s. 775.082 or s.
128 | 775.083. A written warning to this effect shall be provided at
129 | the time such uniform boating citation is issued.

130 | Section 5. This act shall take effect July 1, 2019.